

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

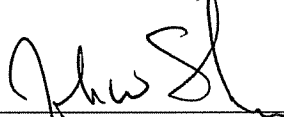
KAYNE SUNSTATE INVESTORS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 08-141-SLR
)	
ROY ELIASSON, BRYON WOLF,)	
and ALFRED WOLF,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO STAY THIS ACTION IN FAVOR OF THE RELATED
ACTION CURRENTLY PENDING IN FLORIDA OR, ALTERNATIVELY, TO DISMISS**

Defendants Roy Eliasson, Bryon Wolf, and Alfred Wolf hereby move to stay this action or, alternatively, to dismiss this action pursuant Federal Rules of Civil Procedure 8(a), 9(b), 12(b)(1), and 12(b)(6). The grounds for this motion are set forth in detail in defendants' opening brief filed herewith.

WHEREFORE, Defendants Roy Eliasson, Bryon Wolf, and Alfred Wolf respectfully request that this Court grant their motion.

YOUNG CONAWAY STARGATT
& TAYLOR, LLP



John W. Shaw (No. 3362)
Michele Sherretta Budicak (No. 4651)
James L. Higgins (No. 5021)
1000 West Street, 17th Floor
Wilmington, Delaware 19801
302-571-6600
jshaw@ycst.com

Dated: April 2, 2008

*Attorneys for Defendants Roy Eliasson, Bryon
Wolf, and Alfred Wolf*

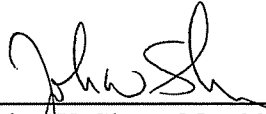
CERTIFICATE OF SERVICE

I, John W. Shaw, Esquire, hereby certify that on April 2, 2008, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

John C. Phillips, Jr., Esquire
Phillips Goldman & Spence, P.A.
1200 North Broom Street
Wilmington, DE 19806

I further certify that on April 2, 2008, I caused a true and correct copy of the foregoing document to be served by e-mail and hand delivery on the above-listed counsel of record.

YOUNG CONAWAY STARGATT
& TAYLOR, LLP



John W. Shaw (No. 3362)
jshaw@ycst.com
Michele Sherretta Budicak (No. 4651)
mbudicak@ycst.com
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19899
(302) 571-6600

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAYNE SUNSTATE INVESTORS, LLC,

Plaintiff,

V.

C.A. No. 08-141-SLR


ROY ELIASSON, BRYON WOLF,
and ALFRED WOLF,

Defendants.

RULE 7.1.1 STATEMENT

I hereby certify pursuant to Rule 7.1.1 of the Local Rules of the United States District Court for the District of Delaware, that counsel for Roy Eliasson, Bryon Wolf, and Alfred Wolf has made a reasonable effort to determine if Kayne Sunstate Investors, LLC (“Kayne”) would agree to the stay requested in the present motion, and that Kayne has refused to agree to the requested stay.

YOUNG CONAWAY STARGATT
& TAYLOR, LLP


John W. Shaw (No. 3362)
Michele Sherretta Budicak (No. 4651)
James L. Higgins (No. 5021)
1000 West Street, 17th Floor
Wilmington, Delaware 19801
302-571-6600
jshaw@ycst.com

Dated: April 2, 2008

Attorneys for Defendants Roy Eliasson, Bryon Wolf, and Alfred Wolf

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KAYNE SUNSTATE INVESTORS, LLC,

Plaintiff,

V.

ROY ELIASSON, BRYON WOLF,
and ALFRED WOLF,

Defendants.

C.A. No. 08-141-SLR

ORDER

At Wilmington this ____ day of _____, 2008, having considered Defendants' Motion to Stay this Action in Favor of the Related Action Currently Pending in Florida or, Alternatively, to Dismiss, IT IS HEREBY ORDERED that:

1. This action is stayed until Case No. 8:07-CV-1279-T-30TGW, currently pending in the United States District Court for the Middle District of Florida, is concluded, with no further possibility of appeal.
2. The parties shall provide a status report within twenty (20) days of the conclusion of the stay provided for in paragraph 1 of this Order.

United States District Judge